

REMARKS

Claims 44, 50-75, 78-85, and 87-91 are pending. By this Amendment, claims 6, 44, 50-52, and 54 are amended, claims 53 and 82 are canceled, and new claims 93 and 94 are added. Claims 6 and 51 have been amended to correct obvious typographical errors. Claims 56, 58-60, 62-71, 75, 85, 88, and 91 have had their status identifiers changed from either "Original" or "Previously Amended" to "Previously presented," solely to conform to the revised amendment requirements of 37 C.F.R. § 1.121.

35 U.S.C. §103(a)

Claims 50-53, 55, 57, 67 and 71 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,286,427 (Levensten) in view of U.S. Patent No. 2,995,409 (Simonsen). Applicant respectfully traverses this rejection.

As amended, independent claim 50 calls for an organizer for the storage of jewelry having a top section, and a middle section located underneath the top section having a compartment for storing items. The top section has a plurality of drawers that, in a first position are stacked one on the other, and, in a second position, are slid out to an extended position to expose the interior of each drawer. The top section also includes a lid pivotally connected to the top section and covering the plurality of lift out drawers when the lid is in a closed position and revealing the plurality of lift out drawers when the lid is in an open position, wherein the plurality of lift out drawers move independently of movement of the lid.

As amended, independent claim 52 calls for an organizer for the storage of jewelry also having a top section and a middle section located under the top section having a drawer. The top section has a lift out drawer that is coupled to the organizer. The top section also includes a lid pivotally connected to the top section and covering the lift out drawer when the lid is in a closed

position and revealing the lift out drawer when the lid is in an open position, wherein the lift out drawer moves independently of movement of the lid.

Levensten discloses a portable chest for carrying tools, having top, middle, and bottom sections. Page 2, Col. 1, ll. 71-73. As the Examiner correctly notes, Levensten fails to disclose a top section that has a first set and a second set of symmetrically arranged plurality of drawers each of that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer. The Examiner relies on Simonsen to provide the teaching lacking in Levensten. Simonsen discloses a plurality of trays linked together and to the cover members so that the trays will open and close with corresponding movement of the cover members.

As amended herein, claims 50 and 52 specify that movement of the lift-out drawers to an extended position is made independently of corresponding movement of the cover members. By contrast, the lift-out drawers specified in Simonsen (Col. 3, ll. 29-31) open and close upon corresponding movement of the cover members, and therefore do not move independently of the cover members, as required by claims 50 and 52. Since claims 51, 53, 55, 57, 67 and 71 depend upon either independent claim 50 or 52, it is believed that these claims are patentable for at least the same reasons. The Examiner is respectfully requested to withdraw the rejection. Additionally, new claims 93 and 94, which are dependent from claims 50 and 52 respectively, are added by this amendment, adding the additional limitation that movement of the lift-out drawers to an extended position is in a direction substantially transverse to the direction of movement required to open the lid of the top section, also in contrast to Simonsen (Figure 1), which has lift-out drawers that move parallel to the direction of movement of the cover members.

Claims 50-53, 55, and 67 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,045,202 (Simon) in view of Simonsen. Applicant respectfully traverses this rejection. Simon discloses a jewelry box having upper and lower members slidably

disposed relative to each other. As the Examiner correctly notes, Simon fails to disclose a top section that has a first set and a second set of symmetrically arranged plurality of drawers each of that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer. The Examiner relies on Simonsen to provide the teaching lacking in Simon.

There is no suggestion or motivation in either reference to modify or combine the references in the manner suggested by the Examiner. Absent such a suggestion, a person skilled in the art who was looking for a solution to the problem of providing improved access and organization of a large amount of jewelry, as exhibited by Simon, would not be disposed to consider a reference like the tool box or tackle box of Simonsen, which is unconcerned with the organization and storage of large amounts of jewelry. Further, the structure that would result from the proposed combination would result in an article unsuitable for its intended purpose. As shown in Figure 9 of Simon, the inherent instability of the organizer when the upper member is slidably disposed relative to the lower member would be greatly exacerbated by the additional weight of the lift-out trays and brackets of Simonsen installed and extended in the upper member, rendering the proposed combination unstable and unusable. Lastly, as amended herein, the lift-out drawers of claims 50 and 52 are patentably distinct from Simonsen for the reasons noted earlier. Since claims 51, 53, 55 and 67 depend directly from claims 50 and 52, it is believed that these claims are patentable for at least the same reasons. The Examiner is respectfully requested to withdraw the rejection.

Claims 44, 68, 69, 82 and 87 were rejected under 35 U.S.C. §103(a) as being unpatentable over Levensten in view of Simonsen and U.S. Patent No. 1,369,577 (Townley).

Claim 44 calls for an organizer having a top section and a middle section. The top section has a plurality of lift out drawers that are coupled to one another by a pair of hinges. The middle section has a plurality of drawers stacked one on top of the other and a pair of doors that can

be pivoted to an open position to expose the plurality of drawers and the doors can be pivoted to a closed position to conceal the plurality of drawers.

The organizer has a lid pivotally connected to the top section, to cover or reveal the lift out drawers upon closing or opening, wherein the plurality of lift out drawers move independently of movement of the lid and wherein the direction of movement of the lift out drawers is substantially transverse to the direction of movement of the lid. For at least the reasons noted above with respect to claims 50 and 52, it is believed that claim 44 is patentable over the prior art. The Examiner is respectfully requested to withdraw the rejection.

Claims 68, 69 and 87 are dependent either directly or indirectly upon independent claims 52 or 44 and are believed to be patentable for at least the same reasons already discussed with reference to claims 52 and 44. The Examiner is respectfully requested to withdraw the rejection against these claims.

Claim 54 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simon in view of Simonsen and, in the alternative, over Simon in view of Simonsen and further in view of U.S. Patent No. 1,600,830 (Lewis). Claim 54 is dependent directly upon independent claim 52, and is believed to be patentable for at least the same reasons already discussed with reference to claim 52. The Examiner is respectfully requested to withdraw the rejection.

Claims 56, 63 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simon in view of Simonsen and further in view of U.S. Patent No. 4,511,041 (Waitzman). Claims 56, 63 and 64 are dependent directly upon independent claim 52 and are believed to be patentable for at least the same reasons already discussed with reference to claim 52. The Examiner is respectfully requested to withdraw the rejection.

Claims 58-60, 62, 70 and 75 were rejected under 35 U.S.C. §103(a) as being unpatentable over Levensten in view of Simonsen and further in view of U.S. Patent No. 2,268,637 (Bernstein). Claims 58-60, 62, 70 and 75 are dependent directly or indirectly upon independent

claim 52 and are believed to be patentable for at least the same reasons already discussed with reference to claim 52. The Examiner is respectfully requested to withdraw the rejection.

Claim 61 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simon in view of Simonsen and further in view of British Application No. 2,217,298 (Wood). Claim 61 is dependent upon independent claim 52 and is believed to be patentable for at least the same reasons already discussed with reference to claim 52. The Examiner is respectfully requested to withdraw the rejection.

Claims 65 and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simon in view of Simonsen and further in view of U.S. Patent No. 1,131,713 (Kramer). Claims 65 and 66 are dependent either directly or indirectly upon claim 52 and are believed to be patentable for at least the same reasons already discussed with reference to claim 52. The Examiner is respectfully requested to withdraw the rejection.

Claims 78, 79, 88 and 91 were rejected under 35 U.S.C. §103(a) as being unpatentable over Levensten in view of Simonsen and Townley and further in view of U.S. Patent No. 2,268,637 (Bernstein). Claims 78, 79, 88 and 91 are dependent directly or indirectly upon independent claim 44 and are believed to be patentable for at least the same reasons already discussed with reference to claim 44. The Examiner is respectfully requested to withdraw the rejection.

Claims 80 and 81 were rejected under 35 U.S.C. §103(a) as being unpatentable over Levensten in view of Simonsen and Townley and further in view of U.S. Patent No. 4,511,041 (Waitzman). Claims 80 and 81 are dependent directly upon independent claim 44 and are believed to be patentable for at least the same reasons already discussed with reference to claim 44. The Examiner is respectfully requested to withdraw the rejection.

Claim 83 was rejected under 35 U.S.C. §103(a) as being unpatentable over Levensten in view of Simonsen and Townley, and further in view of U.S. Patent No. 1,600,830 (Lewis). Claim

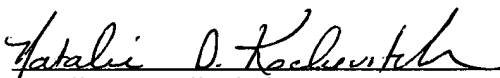
83 is dependent directly upon independent claim 44, and is believed to be patentable for at least the same reasons already discussed with reference to claim 44. The Examiner is respectfully requested to withdraw the rejection.

Claims 84 and 85 were rejected under 35 U.S.C. §103(a) as being unpatentable over Levensten in view of Simonsen and Townley and further in view of U.S. Patent No. 1,131,713 (Kramer). Claims 84 and 85 are dependent either directly or indirectly upon claim 44 and are believed to be patentable for at least the same reasons already discussed with reference to claim 44. The Examiner is respectfully requested to withdraw the rejection.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance the prosecution of this application.

Respectfully submitted,


Natalie D. Kadievitch
Registration No. 34,196

Customer No. 22859
Fredrikson & Byron, P.A.
4000 Pillsbury Center
200 South Sixth Street
Minneapolis, MN 55402-1425 USA
Telephone: (612) 492-7000
Facsimile: (612) 492-7077

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on

May 4, 2004
Date of Deposit

Stacy Bickel
Stacy Bickel